REMARKS

This paper is responsive to a non-final Office action dated April 6, 2004. Claims 1-12 and 47-69 were examined. The Examiner rejected all claims. Applicant has amended claims 1, 47, 55, 56, 58, 59, 62 – 64, and 69. Applicant respectfully notes that the amendment to claim 1 is a non-narrowing amendment. Applicant respectfully traverses all rejections.

Telephonic Examiner Interview

Applicant thanks the Examiner for taking the time for the Examiner Interview on May 3, 2004. The participants of the interview were Kenneth S. Kim and Steven R. Gilliam. The participants discussed the claims and the art of record. No agreement as to allowability was reached.

Rejections under 35 U.S.C. §102(b)

The Office has rejected claims 47 – 69 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,081,572 granted to Arnold ("Arnold"). Applicant respectfully traverses all of these rejections.

Arnold discloses accessing the first and second operands to make a comparison. After the comparison and if the first and second operands are equal, then "no access by another CPU to the second operand is permitted between the moment that the second operand is fetched and the fourth operand is fetched" (col. 5, lines 65 – 68 and col. 7, lines 1 – 5). Arnold does not lock the second and fourth operand until the second operand has already been accessed for comparing with the first operand, which is also not locked. In contrast, Applicant's claims recite separately reserving plural memory locations prior to any accessing of contents of the reserved memory locations. More specifically, Arnold does not disclose or suggest "separately reserving plural locations of the memory prior to accessing contents of any one of the reserved memory locations" as recited in claim 47, and similarly recited in claims 55, 59, 63, and 69.

Applicant respectfully submits that Arnold does not anticipate any of Applicant's claims. All of the independent claims and dependent claims corresponding thereto are allowable for at least the reasons stated above.

Rejections under 35 U.S.C. §103(a)

The Office has rejected claims 1 – 12 under 35 U.S.C. §103(a) as being unpatentable over Arnold. Applicant respectfully traverses all of these rejections.

To reject claims 1 – 12, the Examiner refers to the arguments for rejecting claims 47 – 69, and an assumption that lacks any evidentiary support. The Examiner assumes that "the first and second instructions each reserving in a same predefined order plural respective locations of the memory" would have been obvious to a person of ordinary skill in the art at the time of the claimed invention. Arnold is void of any suggestion or motivation related to Applicant's quoted claim language.

One of the basic criteria for an obviousness rejection is that the prior art reference must teach or suggest all of the claim limitations (MPEP 2143). Indeed, "[i]t is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based" (MPEP 2144.03, *citing* In re Zurko, 258 F.3d 1379 (Fed. Cir. 2001). "[A]n assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support" (MPEP 2144.03, citing Id.).

Applicant respectfully submits that claim 1 is not obvious in view of Arnold. Claim 1 and dependent claims corresponding thereto are allowable for at least the reasons stated above.

Conclusion

In summary, claims 1 – 12 and 47 – 69 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

CERTIFICATE OF MAILING OR TRANSMISSION

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Steven R. Gilliam — Jul-6-2004 (Date)

EXPRESS MAIL LABEL: _____

Respectfully submitted,

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